



**US Army Corps
of Engineers**

**Louisville, Nashville,
Memphis and Huntington
Districts ®**

Public Notice

Public Notice Nos.
LRL-2010-325-pgj
LRN-2011-709
MVM-2011-521

Open Date:
11 Jan 2017

Close Date:
10 Feb 2017

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Louisville District
ATTN: Dr. Patricia A. Grace-Jarrett, Ph. D., CELRL-RDE, Rm 752
P.O. Box 59
Louisville, Kentucky 40201-0059

Phone: 502-315-6687

The Louisville, Nashville, Memphis and Huntington Districts of the U.S. Army Corps of Engineers, in accordance with 33 CFR 332 "Compensatory Mitigation for Losses of Aquatic Resources" ("Mitigation Rule"), announce a request to modify an existing In-Lieu Fee Program Instrument:

IN-LIEU FEE SPONSOR: Kentucky Department of Fish and Wildlife Resources
#1 Sportsman's Lane
Frankfort, Kentucky 40601

LOCATION: The Commonwealth of Kentucky

PURPOSE: To modify the existing In-Lieu Fee Instrument to cover all 120 Counties within the Commonwealth of Kentucky.

DESCRIPTION OF PROPOSED MODIFICATION TO THE IN-LIEU FEE PROGRAM

INSTRUMENT: On December 6, 2011, the Corps of Engineers approved the Kentucky Department of Fish and Wildlife Resources' (KDFWR) In-Lieu Fee (ILF) Program Instrument ("Agreement Concerning In-Lieu Mitigation Fees Between: U.S. Army Corps of Engineers & Kentucky Department of Fish and Wildlife Resources", dated 2011, I.D. Nos. LRL-2010-325, LRN-2011-709, MVM-2011-521). The ILF Instrument established procedures for the operation of the KDFWR ILF Program, which provides compensatory mitigation for losses to "waters of the United States" authorized by DA permits pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 401, 403). Specific mitigation projects are authorized separately. Four U.S. Army Corps of Engineers Districts (Louisville, Nashville, Memphis and Huntington) were signatory to the Instrument.

The KDFWR (Sponsor) proposes to modify the existing ILF Instrument to revise two service areas, the Lower Licking River and the Lower Kentucky River Service Areas. The changes would include expansion of the service areas to include the following nine additional counties: Bracken, Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Mason, and Pendleton. The proposed modification would include revisions to

Appendix C ("Compensation Planning Framework") of the KDFWR ILF Instrument. No other modifications are being considered.

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AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES: This proposal does not include a request for authorization to discharge dredged or fill material into "waters of the U.S."; therefore, no avoidance, minimization or mitigation measures are proposed.

REVIEW PROCEDURES: This proposal will be reviewed in accordance with the procedures found at 33 CFR 332, "Compensatory Mitigation for Losses of Aquatic Resources".

Copies of this notice are sent to the appropriate Federal and State Fish and Wildlife Agencies. Their views and comments are solicited in accordance with the Fish and Wildlife Coordination Act of 1956. Copies of this notice are also sent to the appropriate Indian tribes and state agencies soliciting views and comments in accordance with the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. A request for a public hearing must state the specific interest which might be damaged by approving the modifications to the KDFWR ILF Instrument.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the proposal in accordance with 33 CFR 332. It is presumed that all interested parties and agencies will wish to respond; therefore, a lack of response will be interpreted as meaning that there is no objection to the proposed instrument modification. Any comments received will be considered by the Corps of Engineers to determine whether to approve this modification. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written statements received in this office on or before the closing date will become a part of the official record and will be considered in determination whether to approve this instrument modification. Any objections which are received during this period will be forwarded to the Sponsor for possible resolution before the determination is made whether to approve the instrument modification. The instrument modification will be approved unless its approval is found to be contrary to 33 CFR 332.

Information pertaining to this proposal is available for public examination during normal business hours upon prior request. Copies of the proposed ILF Instrument modification are available on

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Louisville District's Internet site at:
<http://www.lrl.usace.army.mil/Missions/Regulatory.aspx> or by
requesting by mail at the address listed above. All comments
regarding this proposal should be addressed to Dr. Patricia A. Grace-
Jarrett, Ph.D., CELRL-RDE at the address noted above and should refer
to the Public Notice Numbers: LRL-2010-325-pgj, LRN-2011-709, and MVM-
2011-521.

If you desire to submit your comments by email, you must comply with
the following:

a) In the subject line of your email, type in **ONLY** the Public
Notice ID Nos. LRL-2010-325-pgj, LRN-2011-709, MVM-2011-521.

Example:

Subject: LRL-2010-325-pgj, LRN-2011-709, MVM-2011-521

b) Provide your physical mailing address and telephone number.

c) Send your email to: lrl.regulatorypubliccomment@usace.army.mil.

d) If you are sending attachments greater than 1 Mb in size with
your email, you must send a hard copy (CD or paper) to the Corps'
physical address as well.

KDFWR In-Lieu Fee Program: Existing Service Areas

Legend

 County Boundaries

Existing Service Areas

Basin

 NKU In-Lieu Fee Program

 Big Sandy River Area


 Green River and Tradewater River Areas


 Jackson Purchase Area

 Lower Cumberland River Area

 Lower Kentucky River Area

 Lower Licking River Area

 Salt River Area

 Upper Cumberland River Area

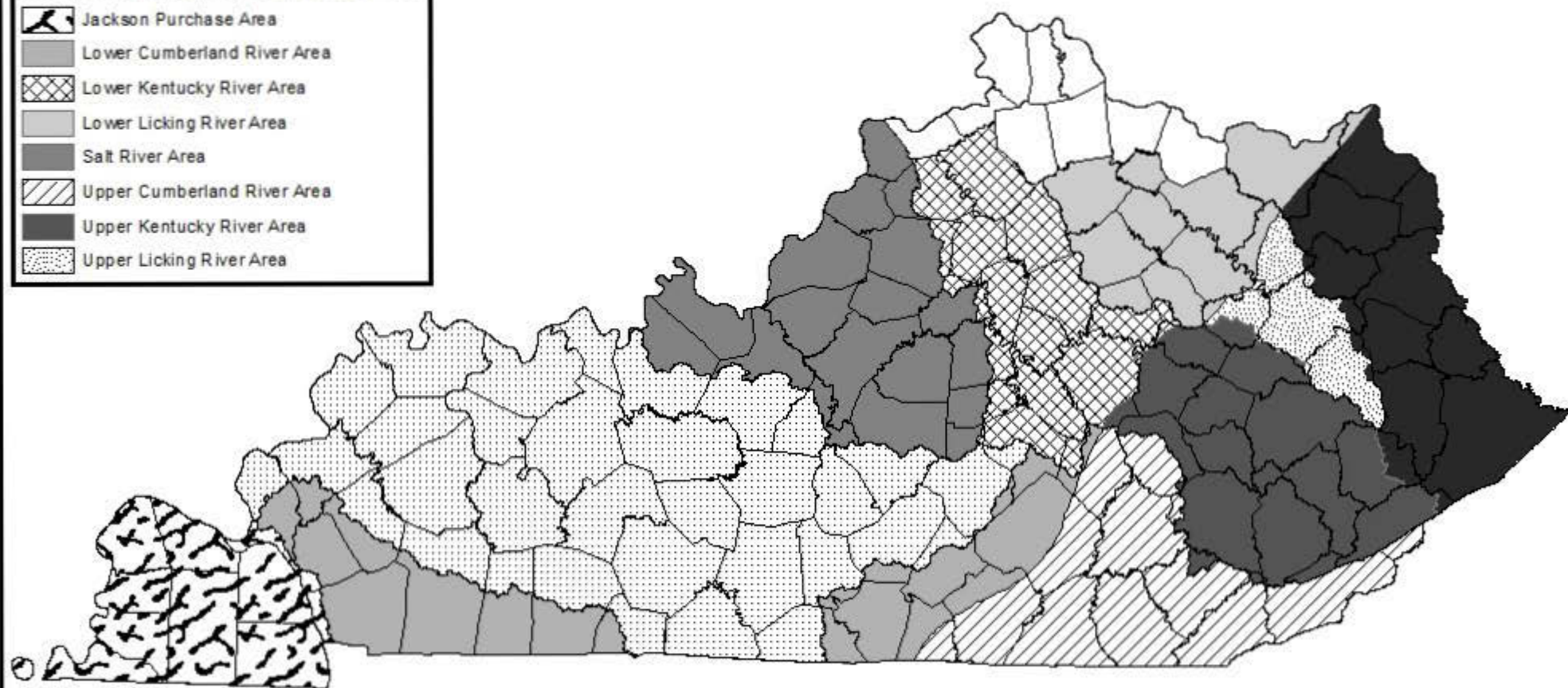
 Upper Kentucky River Area

 Upper Licking River Area

Louisville District: LRL-2010-325

Nashville District: LRN-2011-00709

Memphis District: MVM-2011-521



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80

160

240

320

Miles



KDFWR In-Lieu Fee Program: Proposed Service Areas

Legend

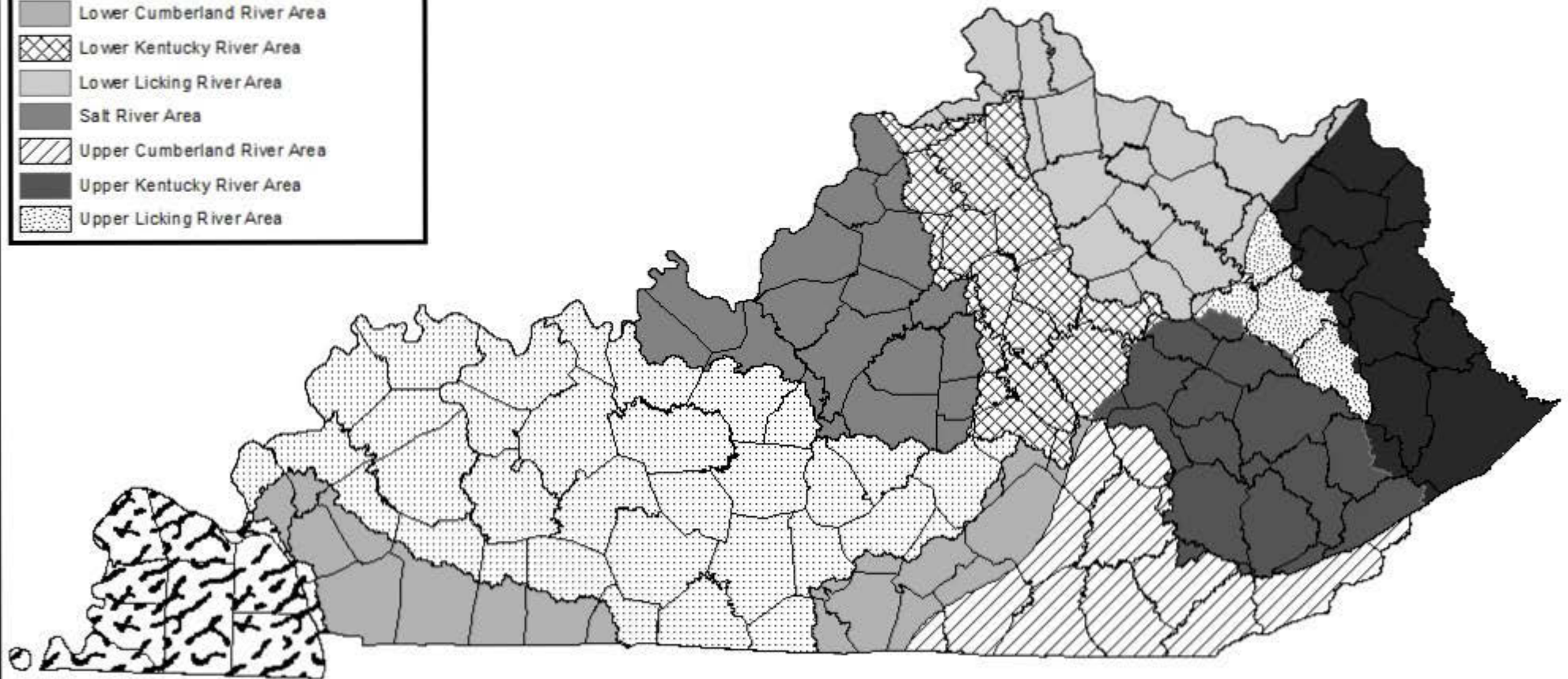
 County Boundaries

Proposed Service Areas

Basin

-  Big Sandy River Area
-  Green River and Tradewater River Areas
-  Jackson Purchase Area
-  Lower Cumberland River Area
-  Lower Kentucky River Area
-  Lower Licking River Area
-  Salt River Area
-  Upper Cumberland River Area
-  Upper Kentucky River Area
-  Upper Licking River Area

Louisville District: LRL-2010-325
Nashville District: LRN-2011-00709
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KDFWR In-Lieu Fee Program: Proposed Service Areas

